

Montana State Legislature

2013 Session

Additional Documents include:

- * Business Report**
- * Roll Call- attendance**
- * Standing Committee Reports,**
- * Table Bills, Fiscal reports etc.**
- * Roll Call Votes**
- * Witness Statements**
- * Informational items**
- * Visitor Registrations**
- * Any other Documents;**
 - ~ Petitions if any?**
 - ~ Any and all material handed in after the meeting end.**

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BUSINESS REPORT

**MONTANA SENATE
63rd LEGISLATURE - REGULAR SESSION**

SENATE ENERGY AND TELECOMMUNICATIONS COMMITTEE

Date: Tuesday, February 5, 2013
Place: Capitol

Time: 3:00 PM
Room: 317-A

BILLS and RESOLUTIONS HEARD:

SB 180 - Revise Eminent Domain Laws - Sen. Debby Barrett

EXECUTIVE ACTION TAKEN:

Comments:



SEN. Alan Olson, Chair

MONTANA STATE SENATE
Roll Call

ENERGY & TELECOMMUNICATIONS COMMITTEE

DATE: Feb. 5, 2013

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
SENATOR ALAN OLSON, CHAIR	X	
SENATOR VERDELL JACKSON, VICE CHAIR	X	
SENATOR RON ARTHUN	X	
SENATOR ROBYN DRISCOLL	X	
SENATOR JEFF ESSMANN		X
SENATOR GREG JERGESON	X	
SENATOR LLEW JONES	X	
SENATOR CHRISTINE KAUFMANN	X	
SENATOR CLIFF LARSEN	X	
SENATOR JASON PRIEST	X	
SENATOR MITCH TROPILA	X	
SENATOR CHAS VINCENT	X	
SENATOR ED WALKER	X	

SENATE ENERGY AND TELECOMMUNICATIONS COMMITTEE

Sponsor: Sen. Debby Barrett

PLEASE PRINT YOUR NAME C-L-E-A-R-L-Y

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

✓

DAI, AIRPORT

WAZIMAC, WAZ.

MONTANA STATE SENATE
Visitors Register
SENATE ENERGY AND TELECOMMUNICATIONS COMMITTEE

Tuesday, February 5, 2013

SB 180 - Revise Eminent Domain Laws

Sponsor: Sen. Debby Barrett

PLEASE PRINT YOUR NAME C-L-E-A-R-L-Y

Name	Representing	Support	Oppose	Info
Lee Bruner	Self	X		
Bruce Maurer	Self	X		
William Gavin	Self	X		
Alice Roberts	Self	X		
Ed Roberts	Self	X		
Sylvia Hustava	Self	X		
Frank Hustava	Self	X		
Judy Dawson	Self	X		
Rae Cille Dawson	Self	X		
Bob Haseman	Self	X		
Denise Thompson	Self	X		
Peter Scott	CCM	✓		
Larry Feight	Self	X		
Tim Garrison	Self Self	X		
Marie Garrison	Self	X		
Charles Wideman	Self	X		
John Vincent	Self	X		
Leo Berry	GNP		X	
Dan Flynn	IBEW		X	
Will DuBrul	SELF	X		
John Henneman	Self	X		
Susan Fullman	Self	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

SENATE ENERGY AND TELECOMMUNICATIONS COMMITTEE

Sponsor: **Sen. Debby Barrett**

PLEASE PRINT YOUR NAME C-L-E-A-R-L-Y

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

SENATE ENERGY AND TELECOMMUNICATIONS COMMITTEE

Sponsor: Sen. Debby Barrett

PLEASE PRINT YOUR NAME C-L-E-A-R-L-Y

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

February 5, 2013
Senate Energy (3:00pm Rm.317)
Support SB180
Rachel Roberts
Butte, MT
c) 406/550-1397

Senate Bill 180 is worthy of consideration. It's crucial for Montana citizens and policymakers to re-examine the issue. It's not just the government that can take private property in Montana, but private companies as well. Granting the power of eminent domain to a private company based on our power as a state? It's time to adjust that. Without going to court, a company can use the threat of eminent domain to exact its will over private landowners. Landowners are not suggesting too change law that brings industrial development to a halt. Landowners understand public use that serves the citizens of Montana. However, Montana landowners don't deserve eminent domain law that now significantly expands any corporation's ability to exercise eminent domain and condemn private property without landowner recourse. Last legislative session, corporate proponents of eminent domain described Montana as a "Business window of opportunity, and would like more development projects." Improving a company's bottom line can be reason enough. If passed, Senate Bill 180 will remove the bulls eye target off the backs of the Montana landowner.

Date: February 5, 2013

To: Senate Energy and Telecommunications Committee

From: Darrell Garoutte, 872 Prairie Elk Rd, Wolf Point, MT 59201

Re: SB 180 – VOTE YES

I am a landowner in northeastern Montana whose property is being crossed by TransCanada's Keystone XL pipeline. Over thirty farmers and ranchers formed a group and spent three years negotiating with TransCanada's agents and attorneys. Our attempt at reaching some sort of settlement that left our property whole was only partially successful. The continuing threat of condemnation was the leading reason a settlement could not be reached that left landowners satisfied. The power of eminent domain is used by companies to trick naïve landowners into signing easements that are only good for the company and leave the landowners holding the bag. No one wants to be condemned! Such proceedings are expensive, time consuming and leave landowners little hope of success.

Eminent domain statutes need to be changed to allow property owners the means to negotiate on their own behalf without the threat of condemnation. I urge you to support any legislation that allows landowners to forge agreements that eliminates liability for someone else's project and allows them the flexibility to sign leases, instead of easements in perpetuity, that they may receive annual payments and royalties to guard against devaluation of their property.

A leveler playing field for landowners is both fair and just. The continuation of the present eminent domain laws leaves landowners little protection from those who want to steal their property. Private gain should not be defined as public need.

Thank you for your consideration of legislation that protects property owner's constitutional rights.

Darrell Garoutte

To: Members of the Senate Energy & Telecommunications Committee

From: Camron Cooper

P.O. Box 403

Twin Bridges, MT 59754

(406) 684-5534

Subject: SB 180

Dear Committee Members,

I write in strong support of SB 180, the bill sponsored by Pres. ProTem Debby Barrett, to repeal the nefarious HB 198 which was passed in the last session, thanks to the mendacious arm-twisting of then-Gov. Schweitzer and NorthWestern Energy. Those who voted "For" HB 198, (and there are 6 of you on the committee) were suckered by the claims that it would help job creation and increase property tax revenues---views which have now all been discredited totally. You have an obligation to your constituents to protect private property rights. It is the MSTI line which is now most affected by permission to condemn private property for merchant purposes. Yes, NWE has stopped regulatory review of MSTI, but they have refused to pull the permit request. That leaves private property owners with the threat of condemnation in the future, and it continues to put downward pressure on property values. The MATL line and Enbridge (a foreign corporation) were the short-term beneficiaries of the last Legislature's misguided vote. Wait until you hear the testimony of rural private property owners whose land was condemned and were trampled by Enbridge. NWE (an out-of-state corporation) would do the same, make no mistake. Private property owners deserve our right to due process and protection of our livelihoods. Don't be suckered yet again, despite the open tab NWE keeps for you all at the Jorgensen. Do the right thing and vote "FOR" SB 180.

Respectfully submitted,

Camron (Cam) Cooper

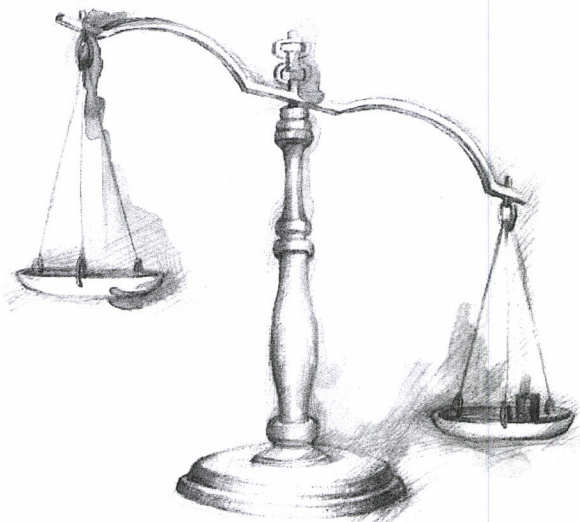
ENVIRONMENTAL QUALITY COUNCIL

October 2012

Public Uses and Eminent Domain

**A review of Montana's eminent domain laws, public
uses, and the entities with condemnation authority**

A Report to the 63rd Montana Legislature



**ENVIRONMENTAL QUALITY
COUNCIL**

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Helena, MT 59620-1704
Phone: (406) 444-3742
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Website: <http://leg.mt.gov/eqc>

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October 2012



Environmental Quality Council

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